

MINUTES

**CITY OF IMPERIAL BEACH
CITY COUNCIL
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY
HOUSING AUTHORITY
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

OCTOBER 4, 2017

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

REGULAR & CLOSED SESSION MEETINGS – 6:00 P.M.

REGULAR MEETING CALL TO ORDER

Mayor Dedina called the Regular Meeting to order at 6:00 p.m.

ROLL CALL

Councilmembers Present: West, Patton, Spriggs
Councilmembers Absent: None
Mayor Pro Tem Present: Bragg
Mayor Present: Dedina
Staff Present: City Manager Hall, City Attorney Lyon, City Clerk Kelly, Assistant City Manager Dush, Administrative Services Director Bradley, City Planner Foltz, Human Resources Manager Cortez, Management Analyst Vea

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Imperial Beach Girl Scout Troop 6179.

AGENDA CHANGES

Councilmember Spriggs asked for a full discussion of the Treasurer's Report when the investment company is available to address the rate of return on managed funds.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

Councilmember Spriggs reported on his attendance at the League of California Cities Annual Conference and announced his appointment as Chair of the League's Housing, Community, and Economic Development Policy Committee was confirmed. The League's Leadership meetings will be held in November and he will press for more attention on coastal cities issues.

Councilmember Patton reported on his and Councilmember West's attendance at the Dempsey Holder Surf Contest, spoke about the success of the Triathlon event, and announced the upcoming Autofest event on October 7.

Councilmember West reported on his attendance at the SANDAG Bayshore Bikeway meeting, Civility Day in Chula Vista, the Suncoast Co-op meeting and announced the 2-Wheels Grand Opening celebration on October 7, the Breakwater Grand Opening where there will be a solar power charging station on display and a Tijuana River Valley Clean up on October 14.

Mayor Pro Tem Bragg reported October is National Breast Cancer Awareness month, the Fire Station Open House is on October 14, she reported on her attendance at the SANDAG Board Meeting as MTS's representative, National Rideshare Week is October 2-6 and Symphony by the Sea is on October 7.

Mayor Dedina reported on the opening of Trident Coffee, attending a wedding at Bikeway Village, attending the Annual S.D. Regional Chamber of Commerce event in Washington, D.C., and the Green Tijuana Conference. He spoke about how there is no money to improve border infrastructure, announced the City of San Diego is joining the lawsuit, spoke about the recent press conference that took place regarding sewage, and he spoke about his efforts to address

the Tijuana River and Border pollution issue. He announced POD would like to hold a family-friendly summer concert series in Imperial Beach and he commented that the Ironman event sets the standard for events in Imperial Beach.

COMMUNICATIONS FROM CITY STAFF

City Manager Hall acknowledged the recent tragedy that took place in Las Vegas.

Chief French announced Fire Prevention Week is October 8-14, the Fire Station Open House is on October 14, the Great Shake Out is on October 19 and he reported on the installation of the new AED's at various locations in the City.

PUBLIC COMMENT

Moriah Saldana, with I Love a Clean San Diego, reported on their efforts on the Clean Cities Initiative.

PRESENTATIONS (1.1-1.2)

1.1 HEPATITIS A UPDATE – SAN DIEGO COUNTY HEALTH & HUMAN SERVICES AGENCY. (0240-90)

Deputy Public Health Officer Sayone Thihalolipavan, MD, MPH, gave a PowerPoint presentation regarding Hepatitis A. He encouraged anyone concerned to get vaccinated. Those who are insured can go through their providers and the uninsured can go to a County facility. He also spoke about the importance of good hygiene and noted that a hand washing station was installed next to a 7-Eleven. He also stated that the general public is more at risk for flu than Hepatitis A.

Mayor Pro Tem Bragg thanked H.R. Manager Cortez for arranging vaccines for City employees. She also announced MTS buses and trolleys are cleaned every night with a stronger bleach solution.

Mayor Dedina directed the City Manager to develop an informal work group to make sure we are doing everything possible to be prepared for disease prevention.

Dr. Matt Dickson, of South Bay Urgent Care, encouraged everybody to get vaccinated. They offer the Hepatitis A and flu vaccines.

1.2 PRESENTATION OF PROCLAMATION FOR TIJUANA RIVER ACTION MONTH. (0230-70 & 0410-30)

Environmental and Natural Resources Director Helmer reported on the item.

Mayor Dedina presented a proclamation to Mr. Helmer declaring October as Tijuana River Action month.

Ginger Sacco, representing Citizens Against Sewage, spoke about her clean water efforts.

Mayor Dedina stated he recently noticed problems with the equestrian centers in the Tijuana River Valley as well as debris and garbage on private lots. He encouraged the City to follow-up with the County, the County Supervisor and the City of San Diego Code Enforcement Office on addressing these issues.

CONSENT CALENDAR (2.1-2.7)

MOTION BY PATTON, SECOND BY WEST, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THROUGH 2.7. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

City Council approved the Regular and Special Meeting Minutes of September 6, 2017.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

City Council ratified the warrant register.

CONSENT CALENDAR (Continued)

- 2.3 RECEIVE JULY 2017 TREASURER'S REPORT. (0300-90)**
City Council received the monthly Treasurer's Report.
- 2.4 RESOLUTION 2017-7855 AMENDING THE ADOPTED GAS TAX REVENUE AND CAPITAL BUDGET FOR FY18 PURSUANT TO THE REPAIR AND ACCOUNTABILITY ACT OF 2017 (SB1). (0330-30 & 0330-35)**
City Council adopted Resolution No. 2017-7855.
- 2.5 RESOLUTION 2017-7854 CONTINUING THE PROCLAMATION OF A STATE OF LOCAL EMERGENCY RELATING TO IMPACTS FROM CROSS-BORDER POLLUTION IN THE TIJUANA RIVER. (0150-40 & 0210-26)**
City Council adopted Resolution No. 2017-7854 to maintain a state of local emergency related to the cross-border pollution impacts from the Tijuana River and authorize the City Manager, Mayor, and Council members to work with local, State, Federal, and Mexican authorities to advance binational projects to improve conditions in the Tijuana River.
- 2.6 FINAL MAP (FM 150010) FOR EIGHT NEW RESIDENTIAL CONDOMINIUM UNITS AT 1285-1299 DONAX AVENUE (PREVIOUSLY 808 13TH STREET) (APN 626-342-15-00). MF 1178. (0600-20)**
City Council approved the Final Map for recordation.
- 2.7 ADOPT RESOLUTION NO. 2017-7858 APPROVING THE CITY MANAGER'S EXECUTION OF A REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF CORONADO AND THE CITY OF IMPERIAL BEACH FOR TIJUANA SEWER SPILL RELATED LITIGATION. (0150-40 & 0210-26)**
City Council adopted Resolution No. 2017-7858.

ORDINANCES/INTRODUCTION & FIRST READING (3.1-3.2)

- 3.1 INTRODUCTION & FIRST READING OF ORDINANCE NO. 2017-1167 AND ADOPTION OF RESOLUTION NO. 2017-7856 GIVING NOTICE TO THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CalPERS) OF ITS INTENT TO AMEND THE CITY'S RETIREMENT CONTRACT TO INCLUDE COST SHARING FOR CLASSIC MISCELLANEOUS AND SAFETY LIFEGUARD MEMBERS. (0520-70 & 0520-95)**

Human Resources Manager Cortez gave a PowerPoint presentation on the item.

Councilmember Spriggs recognized staff for their efforts on the item and he commended employees for the great work they do for the City.

MOTION BY WEST, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2017-7856 GIVING NOTICE TO THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CalPERS) OF ITS INTENT TO AMEND THE CITY'S RETIREMENT CONTRACT TO INCLUDE COST SHARING FOR CLASSIC MISCELLANEOUS AND SAFETY LIFEGUARD MEMBERS. MOTION CARRIED UNANIMOUSLY.

City Clerk Kelly read the Title of Ordinance 2017-1167 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF IMPERIAL BEACH AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CalPERS)".

MOTION BY BRAGG, SECOND BY WEST, TO INTRODUCE AND CONDUCT THE FIRST READING OF ORDINANCE NO. 2017-1167 BY TITLE ONLY AND WAIVE FULL READING OF THE ORDINANCE. MOTION CARRIED UNANIMOUSLY.

ORDINANCES/INTRODUCTION & FIRST READING (Continued)

3.2 INTRODUCTION & FIRST READING OF ORDINANCE NO. 2017-1166 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA AMENDING TITLE 8 CHAPTER 8.84 OF THE IMPERIAL BEACH MUNICIPAL CODE TO REGULATE THE USE OF ELECTRONIC SMOKING DEVICES. (0240-35 & 0240-95)

City Manager Hall Lyon reported on the item.

No discussion.

City Clerk read the title of Ordinance 2017-1166 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA AMENDING TITLE 8 CHAPTER 8.84 OF THE IMPERIAL BEACH MUNICIPAL CODE TO REGULATE THE USE OF ELECTRONIC SMOKING DEVICES."

MOTION BY BRAGG, SECOND BY WEST, TO INTRODUCE AND CONDUCT THE FIRST READING OF ORDINANCE NO. 2017-1166 BY TITLE ONLY AND WAIVE FULL READING OF THE ORDINANCE TO REGULATE THE USE OF ELECTRONIC SMOKING DEVICES. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (4)

None.

REPORTS (5.1-5.3)

5.1 RESOLUTION NO. 2017-7857 ACCEPTING FUNDS FOR A COASTAL TRAIL MAJOR MILE MARKER (CTM) GRANT AND INSTALLATION AT PIER PLAZA IN COOPERATION WITH COASTAL CONSERVANCY STAFF. (0230-05 & 0390-86)

Management Analyst Vea reported on the item.

MOTION BY PATTON, SECOND BY WEST, TO ADOPT RESOLUTION NO. 2017-7857 ACCEPTING FUNDS FOR A COASTAL TRAIL MAJOR MILE MARKER (CTM) GRANT AND INSTALLATION AT PIER PLAZA IN COOPERATION WITH COASTAL CONSERVANCY STAFF. MOTION CARRIED UNANIMOUSLY.

5.2 AUTHORIZATION TO ENROLL THE CITY OF IMPERIAL BEACH IN THE SAN DIEGO GAS AND ELECTRIC ECOCHOICE PROGRAM ENSURING THAT ALL ELECTRICAL POWER AT CITY HALL IS GENERATED FROM RENEWABLE RESOURCES. (0230-20)

City Manager Hall reported on the item and noted that Imperial Beach is the first city in the county to enroll in the program.

Vanessa Mapula Garcia, SDG&E Senior Public Affairs Manager, reported on the program.

Mayor Pro Tem Bragg commented on the installation of the new efficient windows that were recently installed at city hall and a new water bottle filling station which helps reduce the number of plastic bottles.

Assistant City Manager Dush spoke about the benefits of having the new energy efficient windows at city hall.

Councilmember West thanked SDG&E for rolling out more electric car charging stations.

In response to Councilmember Spriggs questions, Ms. Mapula Garcia explained the cost structure. With regard to rooftop solar, SDG&E would be a partner and assist with connectivity but they don't do installation.

Mayor Dedina spoke in support for conducting an energy analysis of the City.

MOTION BY SPRIGGS, SECOND BY WEST, TO DIRECT STAFF TO ENROLL IN THE SAN DIEGO GAS & ELECTRIC ECOCHOICE PROGRAM ENSURING THAT 100% OF THE AMOUNT OF ELECTRICITY USED AT CITY HAL IS GENERATED USING RENEWABLE RESOURCES. MOTION CARRIED UNANIMOUSLY.

5.3 INFORMATIONAL DISCUSSION REGARDING COMMERCIAL CANNABIS ACTIVITIES. (0610-90)

Assistant City Manager Dush gave background on the item.

City Attorney Lyon gave an overview of the initiative that was submitted by the Association of Cannabis Professionals, outlined the initiative process and reviewed the initiative options available to City Council.

Assistant City Manager Dush stated that the recommendation is to:

1. Extend the Moratorium for another year; and
2. Authorize the City Manager up to \$65,000 to further review the Initiative options and issues; and/or
3. Direct the City Manager and City Attorney to provide additional information/options.

Marcus Boyd spoke about the 2012 initiative and expressed displeasure with the public participation process. He supported the current initiative if the City doesn't come up with its own regulations.

Tracey Rivera spoke about inspecting a facility in San Ysidro and encouraged City Council to visit it. She also stated that she has not reviewed the current initiative but does support the City Council in making access to facilities available in Imperial Beach and finding the right solution for the City.

Eileen Henot spoke positively about her son's personal experience with the use of medical marijuana to treat autism. She spoke in support for making access available to everyone suffering from severe pain, that it be inexpensive with sensible and predicable regulations and she supported the initiative if the City doesn't come up with its own regulations.

Becca Taylor, representing Association of Cannabis Professionals, stated they came to Imperial Beach because they wanted to see regulations passed providing access to businesses, patients and residents, as well as provide jobs in Imperial Beach. She noted that if the City comes up with their own regulations, they would rescind the citizen's initiative.

In response to questions of City Council, Ms. Taylor stated the Association of Cannabis Professionals would consider a City ordinance before proceeding with a ballot measure and she stated it would be ideal for the City to come up with its own ordinance that is best for Imperial Beach. She also stated the cities that were served initiatives were Imperial Beach, Vista, Oceanside, Encinitas, Santee, Chula Vista, and Carlsbad to allow access for patients and businesses since the passage of propositions 64 and 96. She said that Imperial Beach is one of the cities that had a high number of voters in support for Proposition 64. With regard to the Association of Cannabis Professionals, she stated it is a local group that promotes business-to-business for cannabis related businesses, it is an advocacy group to help with local regulations to advance access to cannabis in southern California and funding comes from its members. She also stated that the cities of La Mesa, San Diego and Lemon Grove currently allow dispensaries. With regard to the concept of consumption lounges, she stated the concept is new, it has not been done in San Diego County, and does not know why it was proposed for Imperial Beach.

City Council discussion ensued and the following suggestions were made:

Councilmember Patton suggested staff find out how the cities of La Mesa, San Diego and Lemon Grove are doing.

Mayor Dedina stated that he was looking forward to the feedback from the Ad Hoc Committee and noted it has been an open process. He expressed concern about spending hundreds of

thousands of dollars on this rather than on kids. He said the City is committed to a fair process.

Councilmember Spriggs suggested taking the four following steps:

1. The City has to have its own position and a strong City Council consensus on what the City would be prepared to move forward with by way of an ordinance. Otherwise the City would go through the referendum process.
2. The City needs to have the research and information for like-size cities that have experience with what works and what hasn't including information on public safety, law enforcement, schools, traffic, best practices, etc. to form our own conclusions on what would work for Imperial Beach.
3. Then the City would be in a position to meet with the sponsors of the ballot measure on what the City is ready to move forward with and not move forward with a ballot measure.
4. If that fails, the City would have an alternate ballot measure and would be ready to get support for it.

He also spoke about the need to authorize the \$65,000 in funding to have an expert pull together information so the City Council can make an informed policy position.

Councilmember West expressed concern about deadlines quickly approaching and the need to have an initiative process timeline.

Councilmember Patton agreed with the comments made by Councilmember Spriggs. He noted that the City coming up with its own position is key, to conduct research with open eyes, he stressed the importance of being fair to all stakeholders, to sit down with the community and let the sponsors come. He expressed concern about the quick timeline and he spoke in support for moving forward as soon as possible.

Mayor Pro Tem Bragg reported that she and Councilmember West are the Adhoc Committee and they were moving forward but the initiative hampered the process. She noted that this is a land use issue, spoke about the need to be fair to all stakeholders, expressed concern about the cost for a special election, and supported staff's recommendation and enveloping the suggestions made by Councilmember Spriggs'.

Mayor Dedina said it's clear that 67% of the voters voted in favor for legalizing marijuana. He was looking forward to a report by the Adhoc Subcommittee and was surprised that there wasn't an onslaught of people advocating for dispensaries and commercial facilities. He supported Councilmember Spriggs' suggestions of moving forward with the City's own process, having a timeline sooner than later; and he did not support a moratorium for another year. He suggested 6 months.

City Attorney Lyon explained staff is seeking direction and there is no final action to take tonight. Staff is suggesting a moratorium of one year. If desired, the moratorium timeframe can be shortened.

Councilmember Spriggs spoke in support with moving forward with the allowed amount of time for a moratorium with an added clause that the City come up with an ordinance as soon as practicable.

City Attorney Lyon added that the ordinance can be drafted for up to one year and can make the final decision during the first reading.

Mayor Dedina spoke in support for moving forward with the process. There is agreement of City Council to move forward.

In response to Councilmember Patton, Councilmember Spriggs stated he was fine with the recommendations as written with the addition where it is clear that all Councilmembers want the process to move forward.

Mayor Dedina commented that there is consensus of City Council, staff can return with the ordinance and evaluate the moratorium timeframe at that time.

Councilmember Spriggs reviewed the proposed steps that he mentioned earlier.

Mayor Dedina spoke about the need to get more people engaged in the process.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (6)

None.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURN REGULAR MEETING

Mayor Dedina adjourned the Regular Meeting at 8:50 p.m.

CLOSED SESSION MEETING CALL TO ORDER

Mayor Dedina called the Closed Session meeting to order at 8:51 p.m.

ROLL CALL

Councilmembers Present: West, Patton, Spriggs
Councilmembers Absent: None
Mayor Pro Tem Present: Bragg
Mayor Present: Dedina
Staff Present: City Manager Hall, City Attorney Lyon, City Clerk Kelly

CLOSED SESSION (1-2)

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to Govt. Code section 54956.9(d)(4) (1 case)

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Govt. Code section 54956.9(d)(2) (1 case)

Existing facts and circumstances pursuant to Govt. Code section 54956.9(e)(3)

Mayor Dedina adjourned the meeting to Closed Session at 8:51 p.m. and he reconvened the meeting to Open Session at 9:35 p.m.

Reporting out of Closed Session, City Attorney Lyon stated City Council discussed Closed Session Item Nos. 1 and 2, direction was given and no reportable action was taken.

ADJOURN CLOSED SESSION

Mayor Dedina adjourned the Closed Session meeting at 9:36 p.m.

_____/s/
Serge Dedina,
Mayor

_____/s/
Jacqueline M. Kelly, MMC
City Clerk